



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,984	09/15/1999	ANOOP GUPTA	MS1-304US	8201

22801 7590 06/18/2003
LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 06/18/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/396,984

Applicant(s)

GUPTA ET AL.

Examiner

Adam M Queler

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 31 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment A, formal drawings, and IDS all filed 3/31/2003.
2. Claims 1-27 are pending in the case. Claims 1, 7, 10, 13, 20 and 25 are independent claims.
3. Claims 1-23 remain rejected over the prior art. New claims 24-27 stand rejected.
4. Applicant's arguments, with respect to rejections make under Section 112, 2nd paragraph have been fully considered and are persuasive. The rejection of claims 1-6 has been withdrawn.

Claim Rejections - 35 USC § 101

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. **Claims 10-12 and 25-27** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-functional descriptive data stored on a medium.

Claim Rejections - 35 USC § 103

7. **Claims 1-12 and 25-27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over "Synchronized Multimedia Integration Language (SMIL) 1.0 Specification," W3C Recommendation 15-June-1998, herein referred to as W3C, in view of deVries et al. (USPN 6332144—(priority date 3/11/1998)).**

Regarding independent claim 1, W3C discloses a system (p.26, ex. 4) for associating annotations, contained in the <text ... /> tag, to the plurality of media streams, representing different versions of multimedia content, that would be contained in ellipses found at lines 6, 9, and 12 of the example, as explained in the header of the example. While there is no explicit

Art Unit: 2176

mention of annotations and multimedia servers, W3C does however disclose that both the annotations and media are referenced by a URI (p. 19, "src"), which were well-known to refer to servers. deVries et al. (deVries) discloses that media and annotations can be stored on servers (FIG 1B, 22 and 26), the annotation server inherently having a database of annotations.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine deVries and W3C in order to effectively store the annotations, media, and relations between the two.

Regarding dependent claim 2, deVries discloses the streams can be audio or video (col. 1, ll. 59-61).

Regarding dependent claim 3, W3C discloses different time compressed versions (p. 26, ex. 2).

Regarding dependent claim 4, W3C discloses versions having different resolutions (p. 26, ex. 4).

Regarding dependent claim 5, W3C discloses an identifier for each of the plurality of media streams (p. 19, "src").

Regarding dependent claim 6, W3C discloses the identifier is a URI (p. 19, "src") equivalent to a URL.

Regarding independent claim 7, W3C discloses an SMIL document that correlates an annotation with different versions of the same multimedia content as described in the rejection of claim 1. It is the position of the Office that a data structure is equivalent to an XML document such as a SMIL. W3C does not disclose storing the annotation. deVries discloses a storage device to store the annotation (FIG. 1B, 26). It would have been obvious to combine deVries

and W3C to store the annotation so that it is correlated through the data structure by storing the annotation in the storage device at the location referenced by the URI in the <text/> tag.

Regarding dependent claim 8, W3C discloses a version list identifying multiple different versions (p.26, ex. 4).

Regarding independent claims 10 and 25, W3C teaches a data field representing an annotation corresponding to multimedia content, and a data field correlated so that the field identifies a plurality of different versions of the multimedia content to which the annotation corresponds (p.26, ex. 4).

Regarding dependent claims 11 and 26, W3C teaches that identifiers are intended to be included at the ellipses in example 4, on page 26.

Regarding dependent claim 9, 12, and 27, W3C teaches that URI's, equivalent to URL's are intended to be included at the ellipses in example 4, on page 26.

8. Claims 13-20, and 22-24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over W3C in view of Klemets et al. (USPN 6449653—field 3/25/1997) herein referred to as Klemets.

Regarding independent claim 13, W3C teaches associating an annotation with a set of media streams, however, is silent as to the creation of the annotations. Klemets teaches receiving a user request to create a new annotation (col. 5, ll. 52-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to include a method of creating a new annotation, as it would be allow easier addition of annotations.

Regarding dependent claim 14, W3C does not explicitly disclose associating a new record with a previously generated record. W3C does disclose annotations in <par> and <seq> tags (secs.

4.2.1-.4.1.2). Upon the creation of new annotation as recited in claim 13, it would have been obvious to one of ordinary skill in the art at the time of the invention to associate the annotation within the tags to allow the annotation to be synched with the media stream.

Regarding dependent claim 15, it would have been inherent to identify the streams before associating anything with them.

Regarding dependent claim 16, Klemets discloses a streaming media server, where the media is located (col. 4, ll. 36-54). In order to identify the media, there must be communication with server.

Regarding dependent claim 17, W3C discloses a set of identifiers, each identifier uniquely identifying one of the sets of streams (p.26, ex. 4).

Regarding dependent claim 18, W3C discloses a record of the set of media streams (p.26, ex.4). It would have been obvious to one of ordinary skill in the art at the time of the invention to generate and store this record so that it can be read later.

Regarding dependent claim 24, W3C is silent on providing annotations to a user. Klemets discloses providing the annotations to the user together with a set of one media stream (col. 8, ll. 26-34). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine W3C and Klemets as the markup language of W3C was intended to describe how media should interact with each other when it is displayed.

Regarding independent claim 20, W3C discloses receiving an indication of the version of media content (p. 18, ll 1-3). W3C also discloses that annotations are corresponding to a plurality of different versions of the media content. (p. 26, ex. 4). W3C is silent on providing the annotations to he the user. Klemets discloses providing the annotations to the user (col. 8, ll. 26-

Art Unit: 2176

34). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine W3C and Klemets as the markup language of W3C was intended to describe how media should interact with each other when it is displayed.

Regarding dependent claim 22, while neither Klemets nor W3C explicitly teach comparing identifiers, it would have been obvious to one of ordinary skill in the art at the time of the invention to compare the identifiers to find out what media the version was a part of.

Regarding dependent claims 19 and 23, the computer programs for executing the methods of claims 13 and 20 are rejected under the same rationale.

9. **Claim 21 remains rejected under 35 U.S.C. 103(a) as being unpatentable over W3C and Klemets as applied to claim 20 above, and further in view of Media Weaver, by Sha Xin Wei (6/2/1997).**

Regarding dependent claim 21, Klemets discloses playing an annotation at the proper time (col. 8, ll. 59-67). Both W3C and Klemets are silent as to converting media. Xei discloses converting media (p.12 bullet 3). It would have been obvious to one of ordinary skill in the art at the time of the invention modify Xei into W3C and Klemets so that the annotations would still be presented in the same context as in the original media.

Response to Arguments

10. Applicant's arguments filed 3/31/03 have been fully considered but they are not persuasive.

Regarding Applicant's remarks under 35 USC 101:

While Applicant is claiming a "data structure" in the preamble, the body of the claim merely recites a collection of fields. Use of the broad phrase "correlated through" is insufficient to

establish the necessary functional interrelationship between elements to constitute a true data structure. As such, the claims recite non-functional descriptive data stored on a medium.

Regarding Applicant's remarks on p.14 regarding claim 1:

Applicant argues that the text tag does not qualify as annotations. The Office disagrees. The text is contained with a <par> tag (§ 4.2.1), with the <switch> block. Within the switch block, as noticed in the example's text, are "alternative parts designed for screens with different resolutions, and bit-depths." The ellipses at 6, 9, and 12, are clearly meant to be the alternative parts. These are the different versions of multimedia content. They would be represented by one of the tags disclosed in §4.2.3. Both those tags, and <text> when contained within a <par> can be associated to particular time frames (p. 12). While W3C indeed does not make mention of the word "annotation," it is still the position of the Office, that text associated with media *is* an annotation. The title of section that Applicant points out is referring to the elements within the switch. The ellipses within the text tag do not only indicate that the source is arbitrary, but also that any attribute could be contained within, such as the ones listed in §4.2.3.

Regarding dependent claim Applicant's remarks regarding claims 10, 13, and 20,

The claims are considered to be not persuasive, as they argue similar points that the Office has addressed regarding claim 1 above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6571295 to Sidana.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

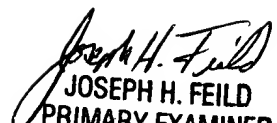
Application/Control Number: 09/396,984

Page 9

Art Unit: 2176

AQ

June 5, 2003


JOSEPH H. FEILD
PRIMARY EXAMINER